

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

WHOLE WOMAN'S HEALTH; <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION
v.	)	
	)	CASE NO. 14-CV-284-LY
DAVID LAKEY, M.D.; <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' COUNTER-DEPOSITION DESIGNATIONS**

Defendants, in response to Plaintiffs designation of deposition testimony, hereby provide the following cross-designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only). To the extent Plaintiff seeks to designate testimony of persons not presented at trial, Defendants object to any inclusion of that testimony in the record.

James C. Anderson, M.D. July 24, 2014 Deposition Transcript		
Plaintiffs' Designations	Defendants' Counter-Designations and Objections	Plaintiffs' Objections
12:5-13:12		
53:5-15	52:15-53:4	
55:2-21	54:19-55:1; 55:22-56:11	
61:6-22	60:3-61:5	
68:5-19	69:6-20	
71:6-72:22		
77:4-9	77:10-21	
106:13-109:20		
143:25-144:8	144:8-24	
144:15-145:6		

<b>James C. Anderson, M.D.</b> <b>July 24, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
160:21-161:17		

<b>Kirk Cole, Associate Commissioner,</b> <b>Texas Department of State Health</b> <b>Services<sup>1</sup></b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
2:20–3:4	Gruber Depo 15:9-17; Perkins Depo 124:16-25	
4:4–23		
4:25–8:9		
8:14–9:8		
9:15–10:3		

<b>Nagla Elerian, Director for the Department of Health Statistics,</b> <b>Texas Department of State Health Services</b> <b>July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
2:4-9	Gruber Depo 15:9-17; Perkins Depo 124:16-25	
2:12-3:23		
4:14-5:5		
6:1-2		
6:11-14		
6:22-7:23		
8:3-9:25		
10:6-24		
12:8-13		

<sup>1</sup> Note: references in all DSHS witness deposition designations are to the rough drafts of the deposition transcripts.

13:9-14		
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<b>Nagla Elerian, Director for the Department of Health Statistics, Texas Department of State Health Services July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
13:22-15:15		
16:2-25	17:1-13	
17:18-18:9		
18:3-19:8		
19:21-23		
20:1-11		
24:7-25:3		
25:8-26:16		
26:18-28:12	28:13-16	
28:19-22	28:23-29:23; 30:3-9; 30:15-32:17	
33:10-35:7		
35:23-36:1	36:4-9	
36:15-37:4	37:5-10	
38:10-22		
39:1-14	39:15-18	
40:10-41:4	41:5-9	
41:10-21		
45:12-15		
45:23-46:20	46:21-23	
46:24-48:13		
48:19-49:2	49:2-12	
49:6-12		
50:1-3	50:4-6	
52:6-15	52:16-23	
53:1-25	54:10-55:3	
55:4-16		
55:18-56:1		

**Nagla Elerian, Director for the Department of Health Statistics,  
Texas Department of State Health Services  
July 25, 2014**

<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
56:18-57:17	56:2-17	
57:25-58:2	57:18-24	
58:6-60:23	60:24-61:1	
61:2-10		
61:14-63:18		
63:22-65:11		
73:10-17	70:3-72:11; 73:18-74:3	
74:4-8		

**Todd Giberson  
July 24, 2014 Deposition Transcript**

<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
50:2-51:8		
52:17-53:5		
56:9-56:20		
67:18-69:11		
77: 15-78:1		

**David Gruber, Assistant Commissioner for Regional and Local Health Services,  
Texas Department of State Health Services  
July 25, 2014**

<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
2:1-12	Gruber Depo 15:9-17; Perkins Depo 124:16-25	
4:8-17		

<b>David Gruber, Assistant Commissioner for Regional and Local Health Services, Texas Department of State Health Services July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
4:20-5:2		
5:17-6:5		
6:12-7:12		
7:17-20	7:13-9:2	
9:3-23	9:24-11:12; 12:20-13:19	
13:22-14:15	14:16-18	
16:1-17		
16:19-17:10		

<b>Geoffrey Keyes, M.D. July 21, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
26:19-28:18		
36:10-39:24		
60:12-63:16		
64:25-65:11		
68:19-69:1	66:18–67:3; 68:1–18	
69:16-71:2	74:15–75:6	
71:8-73:6		
76:3-10		
77:8-23		
78:6-84:1		
86:12-87:2		
94:14-19		
95:1-9		

<b>Geoffrey Keyes, M.D.</b> <b>July 21, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
98:21-100:9		
113:13-114:18		
117:20-119:9		
120:1-7	120:8-16	

<b>Deborah Kitz</b> <b>July 18, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
53:15-54:6		
95:13-96:5		
107:14-17		
137:21-139:6		
141:6-144:21		
190:12-192:18		
200:2-5		
200:23-201:9		

<b>Kathryn Perkins, Assistant Commissioner for Regulatory Services,</b> <b>Texas Department of State Health Services</b> <b>July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
2:9-21	Gruber Depo 15:9-17; Perkins Depo 124:16-25	
3:25-4:10		
4:15-5:2		
8:12-15		

<b>Kathryn Perkins, Assistant Commissioner for Regulatory Services, Texas Department of State Health Services July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
9:4-23		
11:2-12:5		
13:9-11		
15:25-16:4		
16:7-14		
16:21-17:8		
17:10-15		
17:22-19:2		
19:9-20		
20:14-17		
23:24-24:2		
24:10-25:1		
25:15-19		
25:25-26:4		
26:8-27:3		
27:8-28:1		
28:10-17		
28:25-29:8		
29:19-30:8		
31:20-32:23		
34:9-25		
35:25-37:4		
37:23-38:5		
38:10-39:7	39:16-40:6	
40:7-15		
45:4-17		
46:4-9		

<b>Kathryn Perkins, Assistant Commissioner for Regulatory Services, Texas Department of State Health Services July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
46:25-47:3	46:18-24	
48:3-6	47:4-48:11	
48:12-22	47:4-48:11	
49:16-50:15	49:2-11	
53:6-9		
59:8-9		
59:13-62:5		
63:15-16		
64:5-65:11		
65:18-67:4		
68:18-69:16	67:5-15; 68:2-7	
70:7-71:15	69:17-20	
71:18-72:22	71:16-17	
72:25-73:4		
73:13-19		
76:15-17		
77:4-18		
77:25-78:18		
78:25-79:16	79:17-21	
79:22-81:4	81:5-83:12	
83:13-22	81:5-83:12; 83:23-84:3; 84:12-85:14	
84:4-7		
85:6-86:17	84:12-85:5	
87:5-17	87:18-88:12	
88:17-19		
88:22	88:20-21	
90:24-25		



<b>Kathryn Perkins, Assistant Commissioner for Regulatory Services, Texas Department of State Health Services July 25, 2014</b>		
<b>Plaintiffs' Designations (Rough Draft of Transcript)</b>	<b>Defendants' Counter- Designations and Objections</b>	<b>Plaintiffs' Objections</b>
91:13-93:8	89:10-18; 91:4-10; 93:9-12	
93:20-94:9		
96:8-97:10		
97:23-100:12	100:13-21	
100:22-101:22		
102:4-7		
102:10-16		
104:19-25	104:2-9	
105:7-16		
105:19-106:19		
107:16-108:19		
109:5-8		
109:10-23		
110:3-112:19	112:20-25	
113:10-24		
114:1-3		
114:7-9		
114:14-20		
115:10-12		
115:17-21		
116:4-14		
116:16-25		
117:5-118:5	118:6-8	
118:15-119:11	119:12-16	
119:17-20		
122:9-11		
122:16-123:19		

<b>Mari Robinson, Executive Director Texas Medical Board July 23, 2014</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
5:1-8		
10:4-16		
10:21-23		
12:17-23		
13:3-14	5:9-9:24	
13:23-24		
16:17-18:8		
18:20-19:2		
20:6-21:15		
21:24-22:11		
24:14-25:15		
25:24-26:20		
26:24-27:20		
28:5-16		
28:21-29:6		
29:16-30:2		
30:13-32:3		
33:2-15		
34:21-35:9		
36:12-37:7		
38:13-18		
39:17-20		
39:24-42:5		
42:16-18		
46:10-48:24		

<b>Mari Robinson, Executive Director</b> <b>Texas Medical Board</b> <b>July 23, 2014</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
49:24-50:11		
51:25-54:4		
55:13-56:19		
56:22-57:17		
57:21-58:11		
59:14-19		
60:6-61:5		
61:10-62:15	62:22-63:12	
63:20-64:20		
66:5-69:15		
70:6-17		
71:14-72:4		
72:22-73:22		
74:22-75:7		
75:13-77:13		
77:19-78:6		
79:7-80:9		
85:17-86:3		
86:12-87:4		
87:9-88:12		
96:19-22		
97:21-98:17		
98:22-25		
100:8-17		
101:8-102:15		
104:9-12		
104:19-25		

<b>Mari Robinson, Executive Director</b> <b>Texas Medical Board</b> <b>July 23, 2014</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
106:3-17		
107:8-108:9		
109:11-15		
111:10-13		
112:4-16		
113:5-17		
114:15-115:18		
116:8-119:8		
119:19-120:12		
120:22-121:11		
121:20-126:18		
126:23-128:14		
128:16-129:7		
129:14-130:22		
132:10-134:13		
134:20-135:9		
136:6-13		
136:15-137:24		
138:2-23	139:4-16	
141:24-142:20		
143:20-146:11		
146:15-147:11		

<b>Franz C. Theard, M.D., Hilltop Women's Reproductive Clinic</b> <b>July 25, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
4:6-8:3		
9:7-10:2		
15:21-17:11		
21:24-23:6	23:7-15; 93-14-20	
26:18-30:16		
36:20-37:1		
38:8-38:10		
40:25-44:3		
44:24-51:15		
52:1-53:16	53:17-24	
59:21-61:3	61:17-24	
62:22-63:15		
66:11-67:11		
83:21-84:11	87:21-88:1	
87:14-87:20		
91:15-92:2		
106:3-106:8		

<b>Mayra Thompson, M.D.</b> <b>July 14, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
37:3-40:3		
47:23-48:6	48:7-49:21	
56:6-57:23	174:21-176:3	
95:2-97:5		
97:23-98:13		

<b>Mayra Thompson, M.D.</b> <b>July 14, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
100:9-25		
137:5-23		
139:6-23	140:25-141:16, 145:20-147:20	
142:21-143:11		
144:9-17		
152:6-23		
154:4-11		
155:21-156:11		
165:16-166:2		
169:2-14		
181:2-6		
220:19-224:10		

<b>Peter Uhlenberg</b> <b>July 18, 2014 Deposition Transcript</b>		
<b>Plaintiffs' Designations</b>	<b>Defendants' Counter-Designations and Objections</b>	<b>Plaintiffs' Objections</b>
74:14-75:9		
77:8-78:16		
108:24-109:15		
110:23-113:13		
117:13-118:2		
121:5-23		
132:11-15		
134:11-135:21		
147:2-9		

Defendants reserve the right to supplement their deposition designations with the page and lines from the final transcript when received.

Respectfully submitted,

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Dated: August 7, 2014

### CERTIFICATE OF SERVICE

I certify that on August 7, 2014, this document was served on counsel of record through the Court's CM/ECF Document Filing System or through e-mail.

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